




UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

1595 Wynkoop Street
Denver, CO 80202-1129
Phone 800-227-8917
www.epa.gov/region8

Ref: 8RA

MEMORANDUM

SUBJECT: My Ethics Obligations - Recusal and Screening Arrangement

FROM: Megan E. Garvey 
Senior Counselor to the Regional Administrator
Region 8

TO: Douglas H. Benevento
Regional Administrator

I have consulted with the Office of General Counsel/Ethics (OGC/Ethics) and Region 8's ethics team and been advised about my ethics obligations. This memorandum formally notifies you of my continuing obligation to recuse myself from participating personally and substantially in particular matters in which I have a financial interest, or a personal or business relationship. I also understand that I have obligations pursuant to Executive Order 13770 and the Trump Ethics Pledge that I signed, as well as my own attorney bar obligations.

FINANCIAL CONFLICTS OF INTEREST

As required by 18 U.S.C. § 208(a), I will not participate personally and substantially in any particular matter in which I know that I have a financial interest directly and predictably affected by the matter, or in which I know that a person whose interests are imputed to me has a financial interest directly and predictably affected by the matter, unless I first obtain a written waiver, pursuant to 18 U.S.C. § 208(b)(1), or qualify for a regulatory exemption, pursuant to 18 U.S.C. § 208(b)(2). I understand that the interests of the following persons are imputed to me: my spouse or any minor child of mine; any general partner of a partnership in which I am a limited or general partner; any organization in which I serve as officer, director, trustee, general partner or employee; and any person or organization with which I am negotiating or have an arrangement concerning prospective employment. I have consulted with OGC/Ethics and been advised that I do not currently have any significant financial conflicts of interest but will remain vigilant and notify OGC/Ethics immediately should my financial situation change.

OBLIGATIONS UNDER EXECUTIVE ORDER 13770

Pursuant to Section 1, Paragraph 6 of the Executive Order and the Trump Ethics Pledge, I understand that I am prohibited from participating in any particular matter involving specific parties in which my former employer, **QEP Resources, Inc.**, is a party or represents a party. I understand that my recusal

from particular matters involving QEP Resources as a specific party lasts until July 30, 2020, which is two years from the date of my appointment to federal service.¹ In addition, pursuant to my bar rules, I am recusing permanently from the following QEP matters: Clean Air Act enforcement matters related to QEP operations located in the Williston Basin of North Dakota; and the reservation-specific Federal Implementation Plan for the Uintah and Ouray Reservation. Attached is a table listing matters involving QEP Resources, Inc., covered by this recusal.

I have been advised by OGC/Ethics that, for the purposes of this pledge obligation, the term “particular matters involving specific parties” is broadened to include any meetings or other communication with **QEP Resources** relating to the performance of my official duties, unless the communication applies to a particular matter of general applicability and participation in the meeting or other event is open to all interested parties. I am further advised that the term “open to all interested parties” means five or more parties.

OBLIGATIONS UNDER THE IMPARTIALITY PROVISIONS

Pursuant to federal ethics impartiality rules at 5 C.F.R. § 2635.502, I understand that I have a “covered relationship” with the State of Colorado, which I formerly served as an appointed commissioner on the Colorado Air Quality Control Commission. I resigned from the commissioner position on July 24, 2018. On August 9, 2018, EPA’s Designated Agency Ethics Official issued an impartiality determination that authorizes me to participate in specific party matters that involve the State of Colorado or the CAQCC, but not on the very same specific party matters on which I worked personally and substantially while serving as a Commissioner with the CAQCC. The attached table includes the specific party matters on which I worked personally and substantially at the CAQCC. I will recuse from participating on such matters permanently. See also the attached Impartiality Determination.

ATTORNEY BAR OBLIGATIONS

Pursuant to my obligations under my bar rules, I recognize that I am obliged to protect the confidences of my former clients. I also understand that I cannot participate in any matter that is the same as or substantially related to the same specific party matter that I participated in personally and substantially while in private practice, unless my bar provides for and I first obtain informed consent and notify OGC/Ethics.

SCREENING ARRANGEMENT

In order to help ensure that I do not participate in matters subject to my recusal obligations, I have taken or will take the following steps:

1. I will provide the Deputy Regional Administrator with a copy of this memorandum so that she

¹ I am advised by OGC/Ethics that the Trump Ethics Pledge restrictions regarding former employers do not apply to my former position on the Colorado Air Quality Control Board. The definition of “former employer” in the Executive Order excludes state government. See EO 13770, section 2(j).

may understand the purpose and scope of my recusal obligations and this screening arrangement. In order to help ensure that I do not inadvertently participate in matters from which I am recused, I am requesting the Deputy Regional Administrator to seek the assistance of the Region 8 ethics team and/or OGC/Ethics if she is ever uncertain whether or not I may participate in a matter.

2. I will provide a copy of this memorandum to my principal subordinates and to the Region 8 Senior Leadership Team. I also will request that all inquiries and comments involving matters that may be covered by my recusal obligations should be directed to the Deputy Regional Administrator for her review without my knowledge or involvement.

UPDATE AS NECESSARY

In consultation with OGC/Ethics or the Region 8 ethics team, I will revise and update my recusal memorandum whenever warranted by changed circumstances, including changes in my financial interests, changes in my personal or business relationships, or any changes to my EPA duties. In the event of any changes, I will provide a copy of the revised recusal statement to you, the Senior Leadership Team, my subordinates, OGC/Ethics, and to the ORC ethics officials.

cc: Debra H. Thomas, Deputy Regional Administrator, Region 8
Suzanne J. Bohan, Assistant Regional Administrator, ECEJ, Region 8
Richard D. Buhl, Assistant Regional Administrator, TMS, Region 8
Carl Daly, Deputy Assistant Regional Administrator, OPRA, Region 8
Patrick Davis, Senior Advisor for Public Engagement, Region 8
Bert Garcia, Deputy Assistant Regional Administrator, OWP, Region 8
Martin Hestmark, Assistant Regional Administrator, OPRA, Region 8
Brian Joffe, Deputy Regional Counsel, Region 8
Patrice Kortuem, Deputy Assistant Regional Administrator, TMS, Region 8
Andrew Mutter, Director, OCPI, Region 8
Darcy O'Connor, Assistant Regional Administrator, OWP, Region 8
Kim Opekar, Deputy Assistant Regional Administration, ECEJ, Region 8
Kenneth C. Schefski, Regional Counsel, Region 8
Betsy Smidinger, Assistant Regional Administrator, EPR, Region 8
Sandy Stavnes, Deputy Assistant Regional Administrator, EPR, Region 8
Elyana Sutin, Deputy Regional Counsel, Region 8
Rebecca Perrin, Agriculture Advisor
Kim Varilek, Tribal Advisor
Diane Moon, Staff Assistant, Region 8
Justina Fugh, Senior Counsel for Ethics
Michael Gleason, Regional Ethics Counsel, Region 8

Megan Garvey Recusals			
Party	Specific Party Matters Include:	Applicable Restriction	Date Recusal Ends
QEP Resources, Inc.			
	Clean Air Act enforcement related to QEP operations located in the Williston Basin of North Dakota	Trump Ethics Pledge ¶ 6 Bar Rules	Permanent
	Other enforcement matters that may arise involving QEP as a party.	Trump Ethics Pledge ¶ 6	July 30, 2020
	Uintah Basin: Reservation-Specific Federal Implementation Plan for the Uintah & Ouray Reservation	Trump Ethics Pledge ¶ 6 Bar Rules	Permanent
	UIC Class II permits for QEP-owned wells within Region 8	Trump Ethics Pledge ¶ 6	July 30, 2020
	Air related or other permits that may arise involving QEP as a party	Trump Ethics Pledge ¶ 6	July 30, 2020
Colorado Air Quality Control Commission (CAQCC)			
	CAQCC Reg. No. 11 amendments (mobile source emissions): adopted by AQCC on Aug. 17, 2017 and submitted to EPA for SIP approval on May 16, 20	5 C.F.R. part 2635, subpart E – Government Impartiality Regulations	Permanent
	CAQCC Reg. No. 7 amendments	5 C.F.R. part 2635, subpart E – Government	Permanent

	(incorporating RACT/EPA's oil and gas CTGs into state regulations): adopted by AQCC on Nov. 16, 2017 and submitted to EPA for SIP approval on May 14, 2018	Impartiality Regulations	
	2010 NAAQS for SO2 amendments to Colorado's Interstate Transport SIP: adopted by CAQCC on Jan. 18, 2018 and submitted to EPA on Feb. 26, 2018	5 C.F.R. part 2635, subpart E – Government Impartiality Regulations	Permanent
	Title V permit renewal public comment hearing for Coorstek 9 th Street Facility on May 15, 2018 (this permit has or may go to EPA R8 for review/approval).	5 C.F.R. part 2635, subpart E – Government Impartiality Regulations	Permanent



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MEMORANDUM

SUBJECT: My Ethics Obligations - Recusal and Screening Arrangement

FROM: Megan E. Garvey
Senior Counselor to the Regional Administrator
Region 8

OCT 11 2018

TO: Douglas H. Benevento
Regional Administrator

I have consulted with the Office of General Counsel/Ethics (OGC/Ethics) and Region 8's ethics team and been advised about my ethics obligations. This memorandum formally notifies you of my continuing obligation to recuse myself from participating personally and substantially in particular matters in which I have a financial interest, or a personal or business relationship. I also understand that I have obligations pursuant to Executive Order 13770 and the Trump Ethics Pledge that I signed, as well as my own attorney bar obligations. This memorandum updates my original recusal memorandum, dated September 21, 2018, based on information received that my former employer **QEP Resources** has sold its interests located in the Uinta Basin in Utah. As **QEP Resources** is no longer located in the affected area, I am now permitted to participate in the reservation-specific Federal Implementation Plan for the Uintah and Ouray Reservations.

FINANCIAL CONFLICTS OF INTEREST

As required by 18 U.S.C. § 208(a), I will not participate personally and substantially in any particular matter in which I know that I have a financial interest directly and predictably affected by the matter, or in which I know that a person whose interests are imputed to me has a financial interest directly and predictably affected by the matter, unless I first obtain a written waiver, pursuant to 18 U.S.C. § 208(b)(1), or qualify for a regulatory exemption, pursuant to 18 U.S.C. § 208(b)(2). I understand that the interests of the following persons are imputed to me: my spouse or any minor child of mine; any general partner of a partnership in which I am a limited or general partner; any organization in which I serve as officer, director, trustee, general partner or employee; and any person or organization with which I am negotiating or have an arrangement concerning prospective employment. I have consulted with OGC/Ethics and been advised that I do not currently have any significant financial conflicts of interest but will remain vigilant and notify OGC/Ethics immediately should my financial situation change.

OBLIGATIONS UNDER EXECUTIVE ORDER 13770

Pursuant to Section 1, Paragraph 6 of the Executive Order and the Trump Ethics Pledge, I understand that I am prohibited from participating in any particular matter involving specific parties in which my former employer, **QEP Resources, Inc.**, is a party or represents a party. I understand that my recusal from particular matters involving QEP Resources as a specific party lasts until July 30, 2020, which is two years from the date of my appointment to federal service.¹ In addition, pursuant to my bar rules, I am recusing permanently from the Clean Air Act enforcement matters related to QEP operations located in the Williston Basin of North Dakota. Attached is a table listing matters involving QEP Resources, Inc., covered by this recusal.

I have been advised by OGC/Ethics that, for the purposes of this pledge obligation, the term “particular matters involving specific parties” is broadened to include any meetings or other communication with **QEP Resources** relating to the performance of my official duties, unless the communication applies to a particular matter of general applicability and participation in the meeting or other event is open to all interested parties. I am further advised that the term “open to all interested parties” means five or more parties.

OBLIGATIONS UNDER THE IMPARTIALITY PROVISIONS

Pursuant to federal ethics impartiality rules at 5 C.F.R. § 2635.502, I understand that I have a “covered relationship” with the State of Colorado, which I formerly served as an appointed commissioner on the Colorado Air Quality Control Commission. I resigned from the commissioner position on July 24, 2018. On August 9, 2018, EPA’s Designated Agency Ethics Official issued an impartiality determination that authorizes me to participate in specific party matters that involve the State of Colorado or the CAQCC, but not on the very same specific party matters on which I worked personally and substantially while serving as a Commissioner with the CAQCC. The attached table includes the specific party matters on which I worked personally and substantially at the CAQCC. I will recuse from participating on such matters permanently. See also the attached Impartiality Determination.

ATTORNEY BAR OBLIGATIONS

Pursuant to my obligations under my bar rules, I recognize that I am obliged to protect the confidences of my former clients. I also understand that I cannot participate in any matter that is the same as or substantially related to the same specific party matter that I participated in personally and substantially while in private practice, unless my bar provides for and I first obtain informed consent and notify OGC/Ethics.

SCREENING ARRANGEMENT

In order to help ensure that I do not participate in matters subject to my recusal obligations, I have taken or will take the following steps:

1. I will provide the Deputy Regional Administrator with a copy of this memorandum so that she

¹ I am advised by OGC/Ethics that the Trump Ethics Pledge restrictions regarding former employers do not apply to my former position on the Colorado Air Quality Control Board. The definition of “former employer” in the Executive Order excludes state government. See EO 13770, section 2(j).

may understand the purpose and scope of my recusal obligations and this screening arrangement. In order to help ensure that I do not inadvertently participate in matters from which I am recused, I am requesting the Deputy Regional Administrator to seek the assistance of the Region 8 ethics team and/or OGC/Ethics if she is ever uncertain whether or not I may participate in a matter.

2. I will provide a copy of this memorandum to my principal subordinates and to the Region 8 Senior Leadership Team. I also will request that all inquiries and comments involving matters that may be covered by my recusal obligations should be directed to the Deputy Regional Administrator for her review without my knowledge or involvement.

UPDATE AS NECESSARY

In consultation with OGC/Ethics or the Region 8 ethics team, I will revise and update my recusal memorandum whenever warranted by changed circumstances, including changes in my financial interests, changes in my personal or business relationships, or any changes to my EPA duties. In the event of any changes, I will provide a copy of the revised recusal statement to you, the Senior Leadership Team, my subordinates, OGC/Ethics, and to the ORC ethics officials.

cc: Debra H. Thomas, Deputy Regional Administrator, Region 8
Suzanne J. Bohan, Assistant Regional Administrator, ECEJ, Region 8
Richard D. Buhl, Assistant Regional Administrator, TMS, Region 8
Carl Daly, Deputy Assistant Regional Administrator, OPRA, Region 8
Patrick Davis, Senior Advisor for Public Engagement, Region 8
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Rebecca Perrin, Agriculture Advisor
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Justina Fugh, Senior Counsel for Ethics
Michael Gleason, Regional Ethics Counsel, Region 8

Megan Garvey Recusals			
Party	Specific Party Matters Include:	Applicable Restriction	Date Recusal Ends
QEP Resources, Inc.			
	Clean Air Act enforcement related to QEP operations located in the Williston Basin of North Dakota	Trump Ethics Pledge ¶ 6 Bar Rules	Permanent
	Other enforcement matters that may arise involving QEP as a party.	Trump Ethics Pledge ¶ 6	July 30, 2020
	UIC Class II permits for QEP-owned wells within Region 8	Trump Ethics Pledge ¶ 6	July 30, 2020
	Air related or other permits that may arise involving QEP as a party	Trump Ethics Pledge ¶ 6	July 30, 2020
Colorado Air Quality Control Commission (CAQCC)			
	CAQCC Reg. No. 11 amendments (mobile source emissions): adopted by AQCC on Aug. 17, 2017 and submitted to EPA for SIP approval on May 16, 20	5 C.F.R. part 2635, subpart E – Government Impartiality Regulations	Permanent
	CAQCC Reg. No. 7 amendments (incorporating RACT/EPA's oil and gas CTGs into state regulations): adopted by AQCC on Nov. 16, 2017	5 C.F.R. part 2635, subpart E – Government Impartiality Regulations	Permanent

	and submitted to EPA for SIP approval on May 14, 2018		
	2010 NAAQS for SO2 amendments to Colorado's Interstate Transport SIP: adopted by CAQCC on Jan. 18, 2018 and submitted to EPA on Feb. 26, 2018	5 C.F.R. part 2635, subpart E – Government Impartiality Regulations	Permanent
	Title V permit renewal public comment hearing for Coorstek 9 th Street Facility on May 15, 2018 (this permit has or may go to EPA R8 for review/approval).	5 C.F.R. part 2635, subpart E – Government Impartiality Regulations	Permanent



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Region 1

5 Post Office Square, Suite 100

BOSTON, MA 02109-3912

MEMORANDUM

DATE: July 25, 2018

SUBJECT: Recusal Statement

FROM: Alexandra Dapolito Dunn
Regional Administrator

A handwritten signature in blue ink, appearing to read "Alexandra Dapolito Dunn", is written over the printed name and title.

TO: Andrew Wheeler
Acting Administrator

I have previously consulted with the Office of General Counsel/Ethics (OGC/Ethics) and the Region's ethics team and been advised about my ethics obligations. This memorandum formally notifies you of my continuing obligation to recuse myself from participating personally and substantially in certain matters in which I have a financial interest, or a personal or business relationship. I also understand that I have obligations pursuant to Executive Order 13770 and the Trump Ethics Pledge that I signed, as well as my own bar obligations.

FINANCIAL CONFLICTS OF INTEREST

As required by 18 U.S.C. § 208(a), I will not participate personally and substantially in any particular matter in which I know that I have a financial interest directly and predictably affected by the matter, or in which I know that a person whose interests are imputed to me has a financial interest directly and predictably affected by the matter, unless I first obtain a written waiver, pursuant to 18 U.S.C. § 208(b)(1), or qualify for a regulatory exemption, pursuant to 18 U.S.C. § 208(b)(2). I understand that the interests of the following persons are imputed to me: any spouse or minor child of mine; any general partner of a partnership in which I am a limited or general partner; any organization in which I serve as officer, director, trustee, general partner or employee; and any person or organization with which I am negotiating or have an arrangement concerning prospective employment.

I have consulted with OGC/Ethics and been advised that I do not currently have any financial conflicts of interest but will remain vigilant and notify OGC/Ethics immediately should my financial situation change.

OBLIGATIONS UNDER EXECUTIVE ORDER 13770

Pursuant to Section 1, Paragraph 6 of the Executive Order, I understand that I have ethics obligations with respect to my former employer during the preceding two years. For purposes of this restriction, the entities that currently fall within the prohibition are my former employers (the Environmental Council of States (ECOS) and the Environmental Research Institute of the States (ERIS), as well as the American University Washington College of Law), and two entities for which I held served in a fiduciary role (the Environmental Law Institute and the American College of Environmental Lawyers).

With respect to ECOS, I note that the Executive Order specifically exempts state governments from the definition of "former employer." *See* Section 2(j) of Exec. Order 13770. Because ECOS is a non-profit, non-partisan association of state environmental agency leaders, the Office of General Counsel sought advice from the White House Counsel's office as to whether ECOS would fit within the exclusion of "state governments" and, if it does not, to grant me a waiver pursuant to Section 3. This advice, which I have attached, strongly supports my common-sense position that ECOS fits within the state government exclusion.¹

I understand, however, that unless and until a determination is made that ECOS fits within the state government exclusions or a waiver is granted, I will abide by the recusal period imposed by the Executive Order. If the White House grants this waiver, then I understand that the impartiality provisions of 5 C.F.R. § 2635.502 will apply to my covered relationship with ECOS. At that point, pursuant to 5 C.F.R. § 2635.502(d), I understand that OGC/Ethics will consider whether the interest of the United States Government in my participation in ECOS matters outweighs any concerns about my impartiality.

Absent a waiver and pursuant to the Executive Order, I understand that I cannot participate in any particular matter involving specific parties in which any of the entities listed below is a party or represents a party. My recusal lasts for two years from the date that I joined federal service. I have been advised by OGC/Ethics that, for the purposes of this pledge obligation, the term "particular matters involving specific parties" is broadened to include any meetings or other communication relating to the performance of my official duties, unless the communication applies to a particular matter of general applicability and participation in the meeting or other event is open to all interested parties. I am further advised that the term "open to all interested parties" means five or more parties who represent a diversity of interests rather than one shared perspective².

¹ ECOS is a strong advocate for and representative of state interests. One of the highest priorities of the current administration is cooperative federalism and the recalibration of state and federal roles leading to more effective environmental management. If I am unable to freely interact with ECOS, my ability to communicate and work in cooperation with the New England states is severely constrained. As a result, the exclusion, or a waiver from Executive Order prohibition, is vital to my ability to fulfill the priorities of this administration, and to fully perform my responsibilities as the Regional Administrator.

² I understand that such meetings "do not have to be open to every corner, but should include a multiplicity of parties. For example, if an agency is holding a meeting with five or

NAME OF ENTITY	DATE WHEN RECUSAL ENDS
Environmental Council of the States (ECOS)	January 7, 2020
Environmental Research Institute of the States	January 7, 2020
Environmental Law Institute, Board of Directors	January 7, 2020
American College of Environmental Lawyers, Board of Regents	January 7, 2020
American University Washington College of Law	January 7, 2020

ATTORNEY BAR OBLIGATIONS

Pursuant to my obligations under my bar rules, I recognize that I am obliged to protect the confidences of my former clients. I also understand that I cannot participate in any matter that is the same as or substantially related to the same specific party matter that I participated in personally and substantially while in private practice, unless my bar provides for and I first obtain informed consent and notify OGC/Ethics.

SCREENING ARRANGEMENT

In order to ensure that I do not participate in matters relating to any of the entities listed above, I will instruct Deborah A. Szaro, Deputy Regional Administrator, Region 1, to assist in screening EPA matters directed to my attention that involve those entities. To help ensure that I do not inadvertently participate in matters from which I am recused, I am directing Ms. Szaro to seek the assistance of the Region 1 Ethics Team and/or OGC/Ethics if she is ever uncertain whether or not I may participate in a matter. All inquiries and comments involving the entities on my recusal list should be directed to Ms. Szaro without my knowledge or involvement until after my recusal period ends.

If Ms. Szaro determines, with input from Region 1 Ethics and/or OGC/Ethics as appropriate, that a particular matter will directly involve any of the entities on my "specific party" recusal list, she will refer it for action or assignment to another, without my knowledge or involvement. I will provide a copy of this memorandum to my principal subordinates with a copy to Justina Fugh, Senior Counsel for Ethics.

more stakeholders regarding a given policy or piece of legislation, then I could attend such a meeting even if one of the stakeholders is a former employer or former client. *See* Office of Government Ethics (OGE) Advisory DO-09-011 (3/26/09), which applies to Exec. Order 13770 pursuant to OGE Legal Advisory LA-17-03 (3/20/17).

UPDATE AS NECESSARY

In consultation with OGC/Ethics or the Region's ethics team, I will revise and update my recusal statement whenever warranted by changed circumstances, including changes in my financial interests, changes in my personal or business relationships, or any changes to my EPA duties. In the event of any changes to my screening arrangement, I will provide a copy of the revised recusal statement to you, OGC/Ethics, and my principal subordinates.

Attachment

cc: Deborah A. Szaro, Deputy Regional Administrator, Region 1
Sean T. Dixon, Senior Policy Advisor to the Regional Administrator
Jane Lindsay, Executive Assistant
Carl F. Dierker, Regional Counsel, Region 1
LeAnn Jensen, Regional Ethics Counsel, Region 1
Justina Fugh, Senior Counsel for Ethics



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
Washington, D.C. 20460

MAR 14 2018

OFFICE OF
GENERAL COUNSEL

MEMORANDUM

SUBJECT: Request for a Waiver from Section 1, Paragraph 6 of
Executive Order 13770

FROM: *for* Kevin S. Minoli *justina jugh*
Principal Deputy General Counsel and
Designated Agency Ethics Official

THROUGH: Matthew Z. Leopold *mzf*
General Counsel

TO: Donald F. McGahn II
Counsel to the President
The White House

This memorandum requests a waiver from Section 1, paragraph 6 of Executive Order 13770 (January 28, 2017) for Alexandra Dapolito Dunn, Regional Administrator of Region 1 at the United States Environmental Protection Agency (EPA). Prior to her appointment, Ms. Dunn served as Executive Director and General Counsel of the Environmental Council of the States (ECOS), which is the national nonprofit, nonpartisan association of U.S. state and territorial environmental agency leaders. Ms. Dunn began service at EPA on January 7, 2018 and received her initial ethics training on January 9, 2018.

EPA requests this waiver to allow Ms. Dunn to work personally and substantially on specific party matters involving her former employer, ECOS.¹ As Regional Administrator, Ms. Dunn is the leader of her Region and part of the Agency's political team. Her area of responsibility includes Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont. In the role of Regional Administrator, Ms. Dunn is expected to communicate freely with the states in her region and any organization that collectively represents the interests of those states.

BACKGROUND

On January 28, 2017, President Trump signed Executive Order 13770, "Ethics Commitments by Executive Branch Appointees." All individuals appointed to political positions

¹ Any reference to ECOS also includes the Environmental Research Institute of the States (ERIS).

Commitments by Executive Branch Appointees.” All individuals appointed to political positions on or after January 20, 2017 are required to sign the Ethics Pledge, which sets forth the former employer restriction at Section 1, paragraph 6:

I will not for a period of 2 years from the date of my appointment participate in any particular matter involving specific parties that is directly and substantially related to my former employer or former clients, including regulations and contracts.

Ms. Dunn signed the Ethics Pledge on January 9, 2018. Thus, Ms. Dunn requires a waiver to work on any particular matter involving her former employer, ECOS. Section 3 of Executive Order 13770 allows the President or his designee to grant a waiver of any restriction contained in the Ethics Pledge.

ANALYSIS

Ms. Dunn has over two decades of experience in environmental law, legislation, policy and regulatory affairs. She is a published author and speaks regularly on environmental policy, sustainability, and environmental justice. Ms. Dunn was recently elected to the Board of Regents of the American College of Environmental Lawyers, and she serves on the Executive Committee and Board of Directors of the Environmental Law Institute. Ms. Dunn has chaired the American Bar Association’s (ABA) section of Environment, Energy, and Resources, its World Justice Task Force, and served on the ABA Presidential Task Force on Sustainable Development. Prior to joining ECOS in 2014, Ms. Dunn served as Executive Director and General Counsel for the Association of Clean Water Administrators.

ECOS is the national nonprofit, nonpartisan association of U.S. state and territorial environmental agency leaders. ECOS was established by state governments in December 1993 as a 501(c)(6) organization that operates using dues from its state government members as well as federal and private sources of funding. The purpose of ECOS is to improve the capability of state environmental agencies and their leaders to protect and improve human health and the environment of the United States.

As Executive Director and General Counsel for ECOS, Ms. Dunn oversaw advocacy and management of the organization and represented the interests of the nation’s environmental commissioners. She worked in all environmental media and had extensive interaction with Federal Agencies, Congress, press and other stakeholders. She also helped state governments improve water infrastructure, air pollution control, site cleanup, chemical management, and economic development.

The research arm of ECOS is known as the Environmental Research Institute of the States (ERIS) and is a 501(c)(3) nonprofit organization focused on educational and research issues. ECOS and ERIS have extensive experience coordinating national meetings, coordinating states and other stakeholders on environmental issues, and working closely with EPA through cooperative agreements. Each year, ECOS organizes two membership meetings that bring together state environmental commissioners with EPA and other stakeholders to discuss a variety

of environmental and public health issues.

Over the years, EPA has partnered with ECOS and ERIS on various matters, workgroups, trainings and conferences. EPA works closely with ECOS given the organization's focus on the level at which national and state environmental policy merge. Also, states share responsibility with EPA in protecting human health and the environment. With respect to many of EPA's statutes, EPA has directly delegated states with regulatory and enforcement authority. In fact, EPA, through its regions, works closely and directly with state governmental entities on a continuing and frequent basis. And ECOS plays a significant role in facilitating those interactions and ensuring a quality relationship between federal and state agencies.

In this situation, the same rationale that is used to exempt states from the definition of "former employer" in the Ethics Pledge,² should also be used for Ms. Dunn's previous employment with ECOS. Without a waiver, Ms. Dunn cannot attend the ECOS membership meetings where senior level EPA employees normally interact with state environmental leaders and other stakeholders. She would also not be able to participate or be briefed on any associated EPA-ECOS collaboration on the current Administration's policies and priorities related to regional-state relationships.

As Regional Administrator, Ms. Dunn is expected to communicate freely with states in Region 1. Similarly, she should be allowed to interact with the national organization representing the collective interest of those states. Given the extensive history between EPA and ECOS, there will be specific party matters involving ECOS that will rise to the level of Ms. Dunn's attention, merit her participation and raise nationally significant issues. Her participation in such matters will be of importance to the Administrator, especially with regard to cooperative federalism, and therefore, in the Agency's interests.

REQUEST FOR A WAIVER

For the reasons set forth above, EPA respectfully requests a waiver of the provisions of Section 1, paragraph 6 of the Executive Order to enable Alexandra Dapolito Dunn to effectively carry out her duties as Regional Administrator for Region 1 and to advance the interests of the EPA. Please note that, if granted, Ms. Dunn will not be permitted to make any decisions or recommendations regarding funding by EPA for ECOS or ERIS. She will otherwise fully comply with the requirements imposed by the President's Ethics Pledge and with all applicable federal ethics laws and regulations.

Please feel free to contact the EPA Chief of Staff, Ryan Jackson, at (202) 564-4700 or Jackson.Ryan@epa.gov or me at (202) 564-8040 or Minoli.Kevin@epa.gov if you have any questions.

² See Executive Order 13770, Section 2(j), which provides that " 'former employer' does not include...State or local government."

MEMORANDUM

TO: KEVIN S. MINOLI
PRINCIPAL DEPUTY GENERAL COUNSEL AND
DESIGNATED AGENCY ETHICS OFFICIAL
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

FROM: DONALD F. MCGAHN II
COUNSEL TO THE PRESIDENT
THE WHITE HOUSE

DATE:

SUBJECT: Waiver of Section 1, Paragraph 6 of Executive Order 13770

Official: Alexandra Dapolito Dunn
Regional Administrator
Region 1

After reviewing your waiver request memorandum, I hereby waive the requirements of Section 1, paragraph 6 of Executive Order 13770 to Ms. Alexandra Dapolito Dunn to allow her to participate in particular matters involving the Environmental Council of the States (ECOS) and Environmental Research Institute of the States (ERIS). I have determined that it is in the public interest to grant this waiver because of Ms. Dunn's extensive environmental experience and the importance of her involvement in ECOS and ERIS matters to assist with the Administrator's priorities related to cooperative federalism.

In light of the importance of the aforementioned efforts to the Trump Administration and to the United States Environmental Protection Agency, a waiver of the provisions of paragraph 6 of the Ethics Pledge (contained in Section 1 of Executive Order 13770) is justified for Ms. Dunn so that she can effectively carry out her duties as Regional Administrator of Region 1 and ably advise the EPA Administrator. Accordingly, I authorize Alexandra Dapolito Dunn to be able to participate personally and substantially in matters regarding ECOS. She will not, however, be permitted to make any decisions or recommendations regarding funding by EPA for ECOS or ERIS. I understand that she will otherwise fully comply with the remainder of the requirements imposed by the President's Ethics Pledge and with all applicable federal ethics laws and regulations.

Donald F. McGahn II
Counsel to the President

Dated: _____

MEMORANDUM

SUBJECT: Recusal Statement

FROM: Anna J. Wildeman
Deputy Assistant Administrator

 10/12/12

TO: David P. Ross
Assistant Administrator

I have previously consulted with the Office of General Counsel/Ethics (OGC/Ethics) and been advised about my ethics obligations. During my onboarding with the agency, I met with OGC/Ethics and provided information about my title, expected duties, and about personal relationships, including my significant other who is an environmental attorney and an equity sharing partner at a law firm. I specifically requested advice concerning my ethics obligations in handling meetings or issues related to my significant other or his law firm. At that time, OGC/Ethics concluded that a recusal memorandum was not necessary, and provided me with written advice via email. OGC/Ethics advised that I should be recused from any specific party matter for which my significant other represents a party, and that I should consult with OGC/Ethics on a case-by-case basis for impartiality concerns that may arise for specific party matters for which my significant other's law firm represents a party. I have performed my duties consistent with this advice.

This memorandum memorializes OGC/Ethics' advice and formally notifies you of my continuing obligation to recuse myself from participating personally and substantially in certain matters in which I have a financial interest, or a personal or business relationship.

FINANCIAL CONFLICTS OF INTEREST

As required by 18 U.S.C. § 208(a), I will not participate personally and substantially in any particular matter in which I know that I have a financial interest directly and predictably affected by the matter, or in which I know that a person whose interests are imputed to me has a financial interest directly and predictably affected by the matter, unless I first obtain a written waiver, pursuant to 18 U.S.C. § 208(b)(1), or qualify for a regulatory exemption, pursuant to 18 U.S.C. § 208(b)(2). I understand that the interests of the following persons are imputed to me: any spouse or minor child of mine; any general partner of a partnership in which I am a limited or general partner; any organization in which I serve as officer, director, trustee, general

partner or employee; and any person or organization with which I am negotiating or have an arrangement concerning prospective employment.

I have consulted with OGC/Ethics and been advised that I do not currently have any significant financial conflicts of interest but will remain vigilant and notify OGC/Ethics immediately should my financial situation change.

OBLIGATIONS UNDER THE IMPARTIALITY PROVISIONS

Because I am in an Administratively Determined position, I have been advised by OGC/Ethics that I am not considered an appointee for purposes of Executive Order 13770 and therefore not required to sign the Trump Ethics Pledge. But as an executive branch employee, I understand that I am subject to the federal impartiality standards and have a “covered relationship” with my former employer, which is a state government. However, on June 7, 2018, EPA’s Designated Agency Ethics Official issued an impartiality determination that authorizes me to participate in specific party matters that involve the State of Wisconsin, but not on the very same specific party matters I worked on personally and substantially while employed with the Wisconsin Department of Justice.

Pursuant to the federal impartiality standards, I also understand that I have a “covered relationship” with any person who is a member of my household. My significant other, (b) (6), is an equity sharing partner at a law firm with an environmental practice. I will not participate in any matter in which (b) (6) is a party or represents a party. I am therefore recusing myself from participation in all matters related to the **Wysocki Family of Companies**, the **Central Sands Dairy** and the **Armenia Growers Coalition**. For any specific party matter in which (b) (6) law firm is a party or represents a party, I will first consult with OGC/Ethics for an impartiality determination pursuant to 5 C.F.R. § 2635.502(d).

ATTORNEY BAR OBLIGATIONS

Pursuant to my obligations under my bar rules, I recognize that I am obliged to protect the confidences of my former clients. I also understand that I cannot participate in any matter that is the same or substantially related to the same specific party matter that I participated in personally and substantially, unless my bar provides for an I obtain informed consent and notify OGC/Ethics. I am therefore recusing myself from participation in all matters related to **water quality or permitting** for the **Wysocki Family of Companies** and the **Central Sands Dairy**.

SCREENING ARRANGEMENT

To ensure that I do not participate in any matters listed above, I will instruct Lee Forsgren, Deputy Assistant Administrator, to assist in screening EPA matters directed to my attention that involve these entities. All inquiries and comments involving the matters on my recusal list should be directed to Mr. Forsgren without my knowledge or involvement.

If Mr. Forsgren determines that any of the matters listed on my recusal list is involved, then he will refer it for action or assignment to another, without my knowledge or involvement.

In the event that he is unsure whether an issue is a particular matter from which I am recused, then he will consult with OGC/Ethics for a determination. I will provide a copy of this memorandum to Justina Fugh, Senior Counsel for Ethics.

UPDATE AS NECESSARY

In consultation with OGC/Ethics, I will revise and update my recusal statement whenever warranted by changed circumstances, including changes in my financial interests, changes in my personal or business relationships, or any changes to my EPA duties. In the event of any changes to my screening arrangement, I will provide a copy of the revised recusal statement to you and OGC/Ethics.

cc: D. Lee Forsgren, Jr., Deputy Assistant Administrator
Benita Best-Wong, Acting Principal Deputy Assistant Administrator
Justina Fugh, Senior Counsel for Ethics



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

June 9, 2017

OFFICE OF CHEMICAL SAFETY
AND POLLUTION PREVENTION

MEMORANDUM

SUBJECT: Recusal Statement

FROM: Nancy B. Beck, Ph.D., DABT
Deputy Assistant Administrator

A handwritten signature in blue ink, reading "Nancy Beck", is positioned to the right of the "FROM:" line.

TO: Wendy Cleland-Hamnett
Acting Assistant Administrator

Because I am in an Administratively Determined position, I have been advised by the Office of General Counsel/Ethics (OGC/Ethics) that I am not subject to Executive Order 13770 and therefore not required to sign the Trump ethics pledge. But as an executive branch employee, I have always understood that I am subject to the conflict of interest statutes codified at Title 18 of the United States Code and the Standards of Ethical Conduct for Employees of the Executive Branch, 5 C.F.R. Part 2635. Pursuant to the federal impartiality standards, I have understood that I have a "covered relationship" with my former employer, the American Chemistry Council (ACC), and have recused myself from participating personally and substantially in any particular matter involving specific parties in which ACC is a party or represents a party. I was advised by OGC/Ethics that my recusal period commenced the day that I left ACC and would remain in effect for one year unless I was authorized by the Office of General Counsel/Ethics (OGC/Ethics) to participate pursuant to 5 C.F.R. 2635.502(d).

I have sought and obtained confirmation from OGC/Ethics that I can participate in particular matters of general applicability, such as rulemaking, even if my former employer has an interest, and that I can participate personally and substantially in any discussions or consideration of comments that ACC submitted with regard to rulemaking or other matters of general applicability. *See* attached. I am also now authorized to attend meetings at which ACC is present or represented, provided that the subject matter of the meeting is a matter of general applicability, if other interested non-federal parties are present, and other EPA personnel attend. For the remainder of my cooling off period, until April 21, 2018, however, I understand that I cannot otherwise participate in any specific party matter involving ACC unless I first seek approval from OGC/Ethics.

I am issuing this recusal statement to ensure that our staff assist me by directing any ACC specific party matter to you instead of me, without my knowledge or involvement, until after April 21, 2018. In consultation with OGC/Ethics, I will revise and update my recusal statement whenever warranted by changed circumstances, including changes in my financial interests or in my personal or business relationships.

cc: OCSPP senior staff

Justina Fugh, Senior Counsel for Ethics



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
Washington, D.C. 20460

JUL 31 2018

MEMORANDUM

SUBJECT: Recusal Statement

FROM: William C. McIntosh
Senior Advisor to the Administrator

TO: Andrew R. Wheeler
Acting Administrator

A handwritten signature in blue ink, reading "W.C. McIntosh", is positioned to the right of the "FROM:" line. The signature is written in a cursive, flowing style.

Upon consideration of my appointment, I consulted with the Office of General Counsel/Ethics (OGC/Ethics) and was advised about my ethics obligations. I have assiduously followed their advice since my appointment, and this memorandum formally notifies you of my continuing obligation to recuse myself from participating personally and substantially in certain matters in which I have a financial interest, or a personal or business relationship. I also understand that I have obligations pursuant to Executive Order 13770 and the Trump Ethics Pledge that I signed.

FINANCIAL CONFLICTS OF INTEREST

As required by 18 U.S.C. § 208(a), I will not participate personally and substantially in any particular matter in which I know that I have a financial interest directly and predictably affected by the matter, or in which I know that a person whose interests are imputed to me has a financial interest directly and predictably affected by the matter, unless I first obtain a written waiver, pursuant to 18 U.S.C. § 208(b)(1), or qualify for a regulatory exemption, pursuant to 18 U.S.C. § 208(b)(2). I understand that the interests of the following persons are imputed to me: any spouse or minor child of mine; any general partner of a partnership in which I am a limited or general partner; any organization in which I serve as officer, director, trustee, general partner or employee; and any person or organization with which I am negotiating or have an arrangement concerning prospective employment.

In September 2017, I retired from Ford Motor Company. Pursuant to the company's executive compensation plan for retirees, portions of my unvested restricted stock units will vest in March 2019, and March 2020. Because I will continue to hold stock and restricted stock units in Ford Motor Company, I understand that I am recused from participating personally and substantially in any particular matter that will have a direct and predictable effect on the financial interests of Ford Motor Company. Additionally, I will continue to participate in Ford Motor Company's vehicle lease program pursuant to my executive compensation plan. Therefore, I understand that I am also recused from participating personally and substantially in any

particular matter that has a direct and predictable effect on the ability or willingness of Ford Motor Company to provide this contractual benefit to me.

In retaining my position as trustee of my mother's trust and executor of my mother's estate, I will not receive any fees for the services that I provide as trustee or executor during my tenure at the EPA. I understand that I am recused from participating personally and substantially in any particular matter that has a direct and predictable effect on the financial interests of my mother's trust or estate.

OBLIGATIONS UNDER EXECUTIVE ORDER 13770

Pursuant to Section 1, Paragraph 6 of the Executive Order, I understand that I am prohibited from participating in any particular matter involving specific parties in which my former employer, Ford Motor Company, is a party or represents a party. I understand that my recusal lasts until July 8, 2020, which is two years from the date that I joined federal service.

I have been advised by OGC/Ethics that, for purposes of this pledge obligation, the term "particular matters involving specific parties" is broadened to include any meetings or other communication relating to the performance of my official duties, unless the communication applies to a particular matter of general applicability and participation in the meeting or other event is open to all interested parties. I am further advised that the term "open to all interested parties" means five or more parties who represent a diversity of interests rather than one shared perspective.¹

SCREENING ARRANGEMENT

In order to ensure that I do not participate in matters relating to Ford Motor Company, I will instruct Jane Nishida, Principal Deputy Assistant Administrator, to assist in screening EPA matters directed to my attention that involve my former employer. All inquiries and comments involving Ford Motor Company should be directed to Ms. Nishida without my knowledge or involvement until after my recusal period ends.

If Ms. Nishida determines that a particular matter will directly involve Ford Motor Company, then she will refer it for action or assignment to another, without my knowledge or involvement. In the event that she is unsure whether an issue is a particular matter from which I am recused, then she will consult with OGC/Ethics for a determination. I will provide a copy of this memorandum to my principal subordinates with a copy to Kevin Minoli, Designated Agency Ethics Official, and Justina Fugh, Senior Counsel for Ethics.

¹ I understand that such meetings "do not have to be open to every corner, but should include a multiplicity of parties. For example, if an agency is holding a meeting with five or more stakeholders regarding a given policy or piece of legislation, [then I] could attend such a meeting even if one of the stakeholders is a former employer or former client." See Office of Government Ethics (OGE) Advisory DO-09-011 (3/26/09), which applies to Exec. Order 13770 pursuant to OGE Legal Advisory LA-17-03 (3/20/17).

UPDATE AS NECESSARY

In consultation with OGC/Ethics, I will revise and update my recusal statement whenever warranted by changed circumstances, including changes in my financial interests, changes in my personal or business relationships, or any changes to my EPA duties. In the event of any changes, I will provide a copy of the revised recusal statement to you and OGC/Ethics.

cc: Ryan Jackson, Chief of Staff
Jane Nishida, Principal Deputy Assistant Administrator
Kevin Minoli, Designated Agency Ethics Official
Justina Fugh, Senior Counsel for Ethics



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

OFFICE OF
SOLID WASTE AND
EMERGENCY RESPONSE

NOW THE
OFFICE OF LAND AND
EMERGENCY MANAGEMENT

MEMORANDUM

SUBJECT: Recusal Statement

FROM: Veronica Darwin
Senior Advisor *Veronica Darwin*
9/13/17

TO: Barry N. Breen
Acting Assistant Administrator
Office of Land and Emergency Management

I have previously consulted with the Office of General Counsel/Ethics (OGC/Ethics) and been advised about my ethics obligations. This memorandum formally notifies you of my continuing obligation to recuse myself from participating personally and substantially in certain matters in which I have a financial interest, or a personal or business relationship. I also understand that I have obligations pursuant to Executive Order 13770 and the Trump Ethics Pledge that I signed.

FINANCIAL CONFLICTS OF INTEREST

As required by 18 U.S.C. § 208(a), I will not participate personally and substantially in any particular matter in which I know that I have a financial interest directly and predictably affected by the matter, or in which I know that a person whose interests are imputed to me has a financial interest directly and predictably affected by the matter, unless I first obtain a written waiver, pursuant to 18 U.S.C. § 208(b)(1), or qualify for a regulatory exemption, pursuant to 18 U.S.C. § 208(b)(2). I understand that the interests of the following persons are imputed to me: any spouse or minor child of mine; any general partner of a partnership in which I am a limited or general partner; any organization in which I serve as officer, director, trustee, general partner or employee; and any person or organization with which I am negotiating or have an arrangement concerning prospective employment.

I have consulted with OGC/Ethics and been advised that I do not currently have any financial conflicts of interest but will remain vigilant and notify OGC/Ethics immediately should my financial situation change.

OBLIGATIONS UNDER EXECUTIVE ORDER 13770

Pursuant to Section 1, Paragraph 6 of the Executive Order, I understand that I have ethics obligations with respect to my former employer, the State of Arizona. The Executive Order provides more restrictions than the federal ethics rules, but I am advised by OGC/Ethics that the additional restrictions

contained in the Executive Order regarding former employer do not apply to me. The definition of "former employer" in the Executive Order excludes state government¹. Therefore, OGC/Ethics has confirmed that I am not subject to the additional Executive Order restrictions regarding former employers.

OBLIGATIONS UNDER THE IMPARTIALITY PROVISIONS

Pursuant to federal ethics rules, I understand that I have a one-year cooling off period with my former employer. For one year after my resignation from the State of Arizona, I will not participate personally and substantially in any particular matter involving specific parties in which the State of Arizona is a party or represents a party, unless I am first authorized by OGC/Ethics to participate, pursuant to 5 C.F.R. § 2635.502(d). I understand that my recusal lasts until June 30, 2018, and this federal ethics limitation does not extend to particular matters of general applicability, such as rulemaking. During my recusal period, any questions about my ability to participate in specific party matters involving the State of Arizona should be directed to OGC/Ethics without my participation or knowledge.

UPDATE AS NECESSARY

In consultation with OGC/Ethics, I will revise and update my recusal statement whenever warranted by changed circumstances, including changes in my financial interests, changes in my personal or business relationships, or any changes to my EPA duties. In the event of any changes, I will provide a copy of the revised recusal statement to you and OGC/Ethics.

cc: Patrick Davis, Deputy Assistant Administrator for OLEM
Justina Fugh, Senior Counsel for Ethics

¹ See Exec. Order 13,770, Section 2(j), which provides that "'former employer' does not include ... State government."



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

OFFICE OF
RESEARCH AND DEVELOPMENT

DEC 19 2018

MEMORANDUM

SUBJECT: Recusal Statement

FROM: David Dunlap *DD*
 Deputy Assistant Administrator

TO: Jennifer Orme-Zavaleta
 Principal Deputy Assistant Administrator

I have previously consulted with the Office of General Counsel/Ethics (OGC/Ethics) and been advised about my ethics obligations. This memorandum formally notifies you of my continuing obligations to recuse myself from participating personally and substantially in certain matters in which I have a financial interest, or a personal or business relationship. I also understand that I have obligations pursuant to Executive Order 13770 and the Trump Ethics Pledge that I signed.

FINANCIAL CONFLICTS OF INTEREST

As required by 18 U.S.C. § 208(a), I will not participate personally and substantially in any particular matter in which I know that I have a financial interest directly and predictably affected by the matter, or in which I know that a person whose interests are imputed to me has a financial interest directly and predictably affected by the matter, unless I first obtain a written waiver, pursuant to 18 U.S.C. § 208(b)(1), or qualify for a regulatory exemption, pursuant to 18 U.S.C. § 208(b)(2). I understand that the interests of the following persons are imputed to me: any spouse or minor child of mine; any general partner of a partnership in which I am a limited or general partner; any organization in which I serve as officer, director, trustee, general partner or employee; and any person or organization with which I am negotiating or have an arrangement concerning prospective employment.

I have consulted with OGC/Ethics and I understand that I have an imputed financial interest with my spouse's employer, Sanofi. Thus, I will not participate personally and substantially in any particular matter that affects **Sanofi** as a specific party or as a member of an affected class, including any particular matter of general applicability that is focused on the **pharmaceutical sector**.

OBLIGATIONS UNDER EXECUTIVE ORDER 13770

Pursuant to Section 1, Paragraph 6 of the Executive Order, I understand that I am prohibited from participating in any particular matter involving specific parties in which my former employer, **Koch Industries**, is a party or represents a party. I understand that my recusal lasts until after September 30, 2020, which is two years from the date that I joined federal service.

I have been advised by OGC/Ethics that, for purposes of this pledge obligation, the term “particular matters involving specific parties” is broadened to include any meetings or other communication relating to the performance of my official duties, unless the communication applies to a particular matter of general applicability and participation in the meeting or other event is open to all interested parties. I am further advised that the term “open to all interested parties” means five or more parties who represent a diversity of interests rather than one shared perspective.¹

VOLUNTARY RECUSAL

Although not necessarily required, I am voluntarily recusing myself from participation in any matters related to the **formaldehyde IRIS assessment** for the duration of my EPA tenure in order to avoid the appearance of any ethical concerns in my role as Deputy Assistant Administrator.

SCREENING ARRANGEMENT

In order to ensure that I do not participate in the matters listed above, I will instruct Elizabeth Blackburn, Office of Research and Development Chief of Staff, to assist in screening EPA matters directed to my attention. All inquiries and comments involving the matters on my recusal list should be directed to Elizabeth without my knowledge or involvement.

If Elizabeth determines that any of the matters listed on my recusal list is involved, then she will refer it for action or assignment to another, without my knowledge or involvement. In the event that she is unsure whether an issue is a particular matter from which I am recused, then she will consult with OGC/Ethics for a determination. I will provide a copy of this memorandum to my principal subordinates with a copy to Justina Fugh, Senior Counsel for Ethics.

UPDATE AS NECESSARY

In consultation with OGC/Ethics, I will revise and update my recusal statement whenever warranted by changed circumstances, including changes in my financial interests, changes in my personal or business relationships, or any changes to my EPA duties. In the event of any changes to my screening arrangement, I will provide a copy of the revised recusal statement to you and OGC/Ethics.

¹ I understand that such meetings “do not have to be open to every corner, but should include a multiplicity of parties. For example, if an agency is holding a meeting with five or more stakeholders regarding a given policy or piece of legislation, [then I] could attend such a meeting even if one of the stakeholders is a former employer or former client.” See Office of Government Ethics (OGE) Advisory DO-09-011 (3/26/09), which applies to Exec. Order 13770 pursuant to OGE Legal Advisory LA-17-03 (3/20/17).

cc: Bruce Rodan, Associate Director
Chris Robbins, Acting Deputy Assistant Administrator
Mary Ellen Radzikowski, Acting Associate Assistant Administrator
Justina Fugh, Director, Ethics Law Office



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

OFFICE OF CHEMICAL SAFETY
AND POLLUTION PREVENTION

MEMORANDUM

SUBJECT: Recusal Statement

FROM: Alexandra Dapolito Dunn *ADD* 2/8/19.
Assistant Administrator for Chemical Safety and Pollution Prevention

TO: Andrew R. Wheeler
Acting Administrator

I have previously consulted with the Office of General Counsel/Ethics (OGC/Ethics) and been advised about my ethics obligations. This memorandum formally notifies you of my continuing obligation to recuse myself from participating personally and substantially in certain matters in which I have a financial interest, or a personal or business relationship. I also understand that I have obligations pursuant to Executive Order 13770 and the Trump Ethics Pledge that I signed, as well as my own bar obligations. This recusal statement supersedes my previous July 25, 2018 recusal statement for my prior position as the Regional Administrator for Region 1.

FINANCIAL CONFLICTS OF INTEREST

As required by 18 U.S.C. § 208(a), I will not participate personally and substantially in any particular matter in which I know that I have a financial interest directly and predictably affected by the matter, or in which I know that a person whose interests are imputed to me has a financial interest directly and predictably affected by the matter, unless I first obtain a written waiver, pursuant to 18 U.S.C. § 208(b)(1), or qualify for a regulatory exemption, pursuant to 18 U.S.C. § 208(b)(2). I understand that the interests of the following persons are imputed to me: any spouse or minor child of mine; any general partner of a partnership in which I am a limited or general partner; any organization in which I serve as officer, director, trustee, general partner or employee; and any person or organization with which I am negotiating or have an arrangement concerning prospective employment.

I have consulted with OGC/Ethics and been advised that I do not currently have any financial conflicts of interest but will remain vigilant and notify OGC/Ethics immediately should my financial situation change.

OBLIGATIONS UNDER EXECUTIVE ORDER 13770

Pursuant to Section 1, Paragraph 6 of the Executive Order, I understand that I have ethics obligations with respect to my former employers during the preceding two years. For purposes of this restriction, the entities that fall within the prohibition are my former employers, the Environmental Council of States (ECOS) and the Environmental Research Institute of the States (ERIS), as well as the American University Washington College of Law, and the two entities for which I served in a fiduciary role (the Environmental Law Institute and the American College of Environmental Lawyers).

I understand that I cannot participate in any particular matter involving specific parties in which any of the entities listed below is a party or represents a party. My recusal lasts for two years from the date that I joined federal service. Based upon advice from OGC/Ethics, I understand that the Executive Order prohibits my attendance at ECOS meetings during this recusal period.

I have been advised by OGC/Ethics that, for the purposes of this pledge obligation, the term "particular matters involving specific parties" is broadened to include any meetings or other communication relating to the performance of my official duties, unless the communication applies to a particular matter of general applicability and participation in the meeting or other event is open to all interested parties. I am further advised that the term "open to all interested parties" means five or more parties who represent a diversity of interests rather than one shared perspective.¹

NAME OF ENTITY	DATE WHEN RECUSAL ENDS
Environmental Council of the States (ECOS)	January 7, 2020
Environmental Research Institute of the States	January 7, 2020
Environmental Law Institute, Board of Directors	January 7, 2020
American College of Environmental Lawyers, Board of Regents	January 7, 2020
American University Washington College of Law	January 7, 2020

¹ I understand that such meetings "do not have to be open to every corner, but should include a multiplicity of parties. For example, if an agency is holding a meeting with five or more stakeholders regarding a given policy or piece of legislation, then I could attend such a meeting even if one of the stakeholders is a former employer or former client." See Office of Government Ethics (OGE) Advisory DO-09-011 (3/26/09), which applies to Exec. Order 13770 pursuant to OGE Legal Advisory LA-17-03 (3/20/17).

ATTORNEY BAR OBLIGATIONS

Pursuant to my obligations under my bar rules, I recognize that I am obliged to protect the confidences of my former clients. I also understand that I cannot participate in any matter that is the same as or substantially related to the same specific party matter that I participated in personally and substantially while in private practice, unless my bar provides for and I first obtain informed consent and notify OGC/Ethics.

SCREENING ARRANGEMENT

In order to ensure that I do not participate in matters relating to any of the entities listed above, I will instruct Charlotte Bertrand, Deputy Assistant Administrator, to assist in screening EPA matters directed to my attention that involve those entities. To help ensure that I do not inadvertently participate in matters from which I am recused, I am directing Ms. Bertrand to seek the assistance of OGC/Ethics if she is ever uncertain whether or not I may participate in a matter. All inquiries and comments involving the entities on my recusal list should be directed to Ms. Bertrand without my knowledge or involvement until after my recusal period ends.

If Ms. Bertrand determines, with input from OGC/Ethics as appropriate, that a particular matter will directly involve any of the entities on my "specific party" recusal list, she will refer it for action or assignment to another, without my knowledge or involvement. I will provide a copy of this memorandum to my principal subordinates with a copy to OGC/Ethics.

UPDATE AS NECESSARY

In consultation with OGC/Ethics, I will revise and update my recusal statement whenever warranted by changed circumstances, including changes in my financial interests, changes in my personal or business relationships, or any changes to my EPA duties. In the event of any changes to my screening arrangement, I will provide a copy of the revised recusal statement to you and OGC/Ethics.

cc: Ryan Jackson, Chief of Staff
Nancy Beck, Principal Deputy Assistant Administrator
Charlotte Bertrand, Deputy Assistant Administrator
Erik Baptist, Deputy Assistant Administrator
David Cozad, Acting Designated Agency Ethics Official
Justina Fugh, Director, Ethics Law Office



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 6
1445 ROSS AVENUE, SUITE 1200
DALLAS, TEXAS 75202 - 2733

Office of the Regional Administrator

MEMORANDUM

SUBJECT: Recusal Statement

FROM: Erin E. Chancellor
Chief of Staff
Region 6

Erin E. Chancellor 10/1/18

TO: Anne L. Idsal
Regional Administrator
Region 6

I have previously consulted with the Office of General Counsel/Ethics (OGC/Ethics) and the Region's ethics team and been advised about my ethics obligations. This memorandum formally notifies you of my continuing obligation to recuse myself from participating personally and substantially in certain matters in which I have a financial interest, or a personal or business relationship. I also understand that I have obligations pursuant to Executive Order 13770 and the Trump Ethics Pledge that I signed, as well as my own bar obligations.

FINANCIAL CONFLICTS OF INTEREST

As required by 18 U.S.C. § 208(a), I will not participate personally and substantially in any particular matter in which I know that I have a financial interest directly and predictably affected by the matter, or in which I know that a person whose interests are imputed to me has a financial interest directly and predictably affected by the matter, unless I first obtain a written waiver, pursuant to 18 U.S.C. § 208(b)(1), or qualify for a regulatory exemption, pursuant to 18 U.S.C. § 208(b)(2). I understand that the interests of the following persons are imputed to me: any spouse or minor child of mine; any general partner of a partnership in which I am a limited or general partner; any organization in which I serve as officer, director, trustee, general partner or employee; and any person or organization with which I am negotiating or have an arrangement concerning prospective employment.

I have consulted with OGC/Ethics and been advised that, apart from my outside activity in a fiduciary position with the State Bar of Texas Environmental & Natural Resources Law Section, I do not currently have any financial conflicts of interest. I understand that I cannot participate personally and substantially in any particular matter that will have a direct and predicable effect upon the the State Bar of Texas, either as a specific party or as a member of an affected class. However, I have been advised by OGC/Ethics and the Region's ethics team that my work is not likely to have a direct and predictable effect on this entity. I will continue to remain vigilant and notify OGC/Ethics and the Region's ethics team immediately should my financial situation change.

EEC 10/1/18

OBLIGATIONS UNDER EXECUTIVE ORDER 13770

Pursuant to Section 1, Paragraph 6 of the Executive Order, I understand that I have ethics obligations with respect to my former employer, the Texas Commission on Environmental Quality (TCEQ). The Executive Order provides more restrictions than the federal ethics rules, but I am advised by OGC/Ethics that these additional restrictions contained in the Executive Order regarding TCEQ as my former employer do not apply to me. The definition of "former employer" in the Executive Order excludes state government.¹ Therefore, OGC/Ethics has confirmed that I am not subject to the additional Executive Order restrictions regarding former employers.

OBLIGATIONS UNDER THE IMPARTIALITY PROVISIONS

Pursuant to the federal impartiality standards, I understand that I have a "covered relationship" with my former employer. However, on September 14, 2018, the EPA's Deputy Ethics Official issued an impartiality determination that authorizes me to participate in specific party matters that involve the State of Texas, but not on the very same specific party matters I worked on personally and substantially while employed with TCEQ. On September 11, 2018, the TCEQ General Law Division made a determination that there is no specified matter related to my EPA representation that is "substantially related to a matter" I handled while employed with TCEQ.

ATTORNEY BAR OBLIGATIONS

Pursuant to my obligations under my bar rules, I recognize that I am obliged to protect the confidences of my former clients. I also understand that I cannot participate in any matter that is the same as or substantially related to the same specific party matter that I participated in personally and substantially while in private practice, unless my bar provides for and I first obtain informed consent and notify OGC/Ethics.

UPDATE AS NECESSARY

In consultation with OGC/Ethics or the Region's ethics team, I will revise and update my recusal statement whenever warranted by changed circumstances, including a determination that I worked personally and substantially on a particular matter, not yet identified, while at TCEQ, changes in my financial interests, changes in my personal or business relationships, or any changes to my EPA duties. In the event of any changes to my screening arrangement, I will provide a copy of the revised recusal statement to you, OGC/Ethics, and regional staff, as appropriate.

cc: David Gray, Acting Deputy Regional Administrator, Region 6
Ben Harrison, Acting Regional Counsel, Region 6
Jan Gerro, Regional Ethics Counsel, Region 6
Terry Sykes, Regional Ethics Counsel, Region 6
Justina Fugh, Senior Counsel for Ethics

¹ See Exec. Order 13770, Section 2(j), which provides that " 'former employer' does not include ... State or local government."




UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
Washington, D.C. 20460

JUL 24 2018

MEMORANDUM

SUBJECT: Recusal Statement

FROM: Peter Wright 
Senior Advisor to the Administrator

TO: Andrew R. Wheeler
Acting Administrator

Upon consideration of my appointment, I consulted with the Office of General Counsel/Ethics (OGC/Ethics) and was advised about my ethics obligations. I have assiduously followed their advice since my appointment, and this memorandum formally notifies you of my continuing obligation to recuse myself from participating personally and substantially in certain matters in which I have a financial interest, or a personal or business relationship. I also understand that I have obligations pursuant to Executive Order 13770 and the Trump Ethics Pledge that I signed, as well as my own bar obligations.

FINANCIAL CONFLICTS OF INTEREST

As required by 18 U.S.C. § 208(a), I will not participate personally and substantially in any particular matter in which I know that I have a financial interest directly and predictably affected by the matter, or in which I know that a person whose interests are imputed to me has a financial interest directly and predictably affected by the matter, unless I first obtain a written waiver, pursuant to 18 U.S.C. § 208(b)(1), or qualify for a regulatory exemption, pursuant to 18 U.S.C. § 208(b)(2). I understand that the interests of the following persons are imputed to me: any spouse or minor child of mine; any general partner of a partnership in which I am a limited or general partner; any organization in which I serve as officer, director, trustee, general partner or employee; and any person or organization with which I am negotiating or have an arrangement concerning prospective employment.

As stated in my ethics agreement, I agreed to forfeit all DowDuPont, Inc. (DowDuPont) stock options that are unvested at the time of my resignation from DowDuPont and to divest of my vested stock options and stock in DowDuPont within 90 days of my federal appointment. I am currently working with OGC/Ethics to fulfill this commitment. Until I sell the stock, I

understand that I am recused from participating personally and substantially in any particular matter, including sector-specific policies and regulations, that would have a direct and predictable effect on the following:

NAME OF ENTITY	DATE WHEN RECUSAL ENDS
DowDupont, Inc.	Continues for as long as I own stock in the company. Upon divestiture, I understand that I am subject to additional restrictions pursuant to Executive Order 13770.
Chemical industry sector	Continues for as long as I own stock in this sector.

OBLIGATIONS UNDER EXECUTIVE ORDER 13770

Pursuant to Section 1, Paragraph 6 of the Executive Order, I understand that I have ethics obligations with respect to any former employer during the preceding two years, as well as any organization in which I held a fiduciary duty. For purposes of this restriction, the entities that fall within the prohibition are DowDuPont, the National Association of Wabash Men, and the Lambda Chi Alpha Home Association of Wabash College.

I understand that I am prohibited from participating in any particular matter involving specific parties in which any of the entities listed below is a party or represents a party. My recusal lasts for two years from the date that I joined federal service. I have been advised by OGC/Ethics that, for the purposes of this pledge obligation, the term “particular matters involving specific parties” is broadened to include any meetings or other communication relating to the performance of my official duties, unless the communication applies to a particular matter of general applicability and participation in the meeting or other event is open to all interested parties. I am further advised that the term “open to all interested parties” means five or more parties who represent a diversity of interests rather than one shared perspective.¹

NAME OF ENTITY	DATE WHEN RECUSAL ENDS
DowDupont, Inc.	July 8, 2020
National Association of Wabash Men, Board of Directors	July 8, 2020
Lambda Chi Alpha Home Association of Wabash College	July 8, 2020

ATTORNEY BAR OBLIGATIONS

Pursuant to my obligations under my bar rules, I recognize that I am obliged to protect the confidences of my former clients. I also understand that I cannot participate in any matter that is the same as or substantially related to the same specific party matter that I participated in

¹ I understand that such meetings “do not have to be open to every corner, but should include a multiplicity of parties. For example, if an agency is holding a meeting with five or more stakeholders regarding a given policy or piece of legislation, [then I] could attend such a meeting even if one of the stakeholders is a former employer or former client.” See Office of Government Ethics (OGE) Advisory DO-09-011 (3/26/09), which applies to Exec. Order 13770 pursuant to OGE Legal Advisory LA-17-03 (3/20/17).

personally and substantially while in private practice, unless my bar provides for and I first obtain informed consent and notify OGC/Ethics.

SUPERFUND SITES

To avoid any concerns about my ethical obligations, I am affirming that I will not participate in matters related to any of the sites on the attached list generated by the Office of Site Remediation and Enforcement. This list includes all of the Superfund sites at which DowDuPont Inc. is a potentially responsible party. Consistent with my attorney bar rules, I will not participate in any matter that I previously worked on personally and substantially. For any of the sites on the attached list that I did not previously work on personally and substantially, I will not participate in matters for those sites until after July 8, 2020, consistent with my obligations under the federal ethics regulations and Executive Order 13770.

SCREENING ARRANGEMENT

In order to ensure that I do not participate in matters relating to any of the entities listed above or Superfund sites on the attached list, I will instruct Barry Breen and/or Steven Cook, Deputy Assistant Administrators, to assist in screening EPA matters directed to my attention that involve those entities or sites. All inquiries and comments involving the entities or Superfund sites on my recusal list should be directed to Mr. Breen or Mr. Cook without my knowledge or involvement until after my recusal period ends.

If Mr. Breen or Mr. Cook determine that a particular matter will directly involve any of the entities or matters listed on my "specific party" recusal list, then they will refer it for action or assignment to another, without my knowledge or involvement. In the event that they are unsure whether an issue is a particular matter from which I am recused, then they will consult with OGC/Ethics for a determination. I will provide a copy of this memorandum to my principal subordinates with a copy to Kevin Minoli, Designated Agency Ethics Official, and Justina Fugh, Senior Counsel for Ethics.

UPDATE AS NECESSARY

In consultation with OGC/Ethics, I will revise and update my recusal statement whenever warranted by changed circumstances, including changes in my financial interests such as the sale of the above-mentioned stock, changes in my personal or business relationships, or any changes to my EPA duties. In the event of any changes, I will provide a copy of the revised recusal statement to you and OGC/Ethics.

cc: Ryan Jackson, Chief of Staff
Barry Breen, Deputy Assistant Administrator
Steven Cook, Deputy Assistant Administrator
Kevin Minoli, Designated Agency Ethics Official
Justina Fugh, Senior Counsel for Ethics